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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,222

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EXAMINER

LUU, SY D

ART UNIT

PAPER NUMBER

2174

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,222	<b>Applicant(s)</b> BROWNE ET AL.	
	<b>Examiner</b> Sy D. Luu	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The limitations such as "said images" and "said image" are being recited in numerous places in claims 1-40. It is believed that "said one or more images" would be more appropriate and consistent with the initial claim language. Claim 2 recites "said metadata representation". Claim 31 recites "each said metadata item". Claim 34 recites "and "said associated image". There is insufficient antecedent basis for all of these limitations in the claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-29 and 31-40 are rejected under 35 U.S.C. 102(a) as being anticipated by MS Windows XP Explorer ("Explorer").

As per claims 1-2, Explorer teaches a method of classifying one or more images, said method comprising the steps of:

displaying an iconic representation of each of said images on a graphical user interface (fig. 2; *images of different flowers on the right window*), and creating an association between at least one of said images and at least one predetermined metadata item representing a classification of said image, and in response to the iconic representation of said image being positioned within a client area of said graphical user interface, and generating and displaying an iconic representation of said predetermined metadata item for display on said graphical user interface based on said created association (figures 2-3; *dragging and dropping two flower images into the metadata bin "New Zealand" on the left window; note a new iconic representation of "New Zealand" is created with the images being shown on the folder bin*).

As per claim 3, Explorer teaches the steps of: creating an association between at least a further one of said images and said at least one metadata item, in response to the iconic representation of said further image being selected and moved to a position defined by said displayed metadata representation (*an iterative/duplicate process if the user continues with moving other images on the right window into one of the metadata bin/folder on the left window in figure 2*).

As per claims 4 and 40, Explorer teaches wherein the iconic representations of the metadata items are arranged according to a hierarchical structure, and said hierarchical structure of iconic representations of metadata items is displayed as a tree structure with expand icons indicating whether a parent iconic representation is open and displaying child iconic representations (figs. 2-3; *note the hierarchical structure of the folders associated with metadata items on the leftmost side of the left window*).

As per claim 5, Explorer teaches an updating step of updating said hierarchical structure based on metadata items associated with at least one of said images (figs. 2-3; *note the updating of the folder of metadata item "New Zealand" on the right pane of the left window as changed from fig. 2 to fig. 3*).

As per claim 6, Explorer teaches the step of storing said association between said image and said at least one predetermined metadata item (*inherent function to Windows Explorer in order to organize and display the information properly as shown in figures 2-3*).

Claims 7-8 are similar in scope to claim 2, and are therefore rejected under similar rationale.

Claim 9 is similar in scope to claim 3, and is therefore rejected under similar rationale.

Claims 10-11 are similar in scope to claims 5-6, and are therefore rejected under similar rationale.

Claims 12-13 are similar in scope to claim 2, and are therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 3, and is therefore rejected under similar rationale.

Claims 15-16 are similar in scope to claims 5-6, and are therefore rejected under similar rationale.

Claims 17-18 are similar in scope to claim 3, and are therefore rejected under similar rationale.

Claims 20-21 are similar in scope to claims 5-6, and are therefore rejected under similar rationale.

Claims 22-29 are similar in scope to claims 1, 7, 12, 1, 7, 12, 1, 7, and 12, and are therefore rejected under similar rationale.

As per claims 35-36, Explorer teaches designating one said metadata item as a child item of a parent metadata item in response to an iconic representation of said one metadata item being dropped on the iconic representation of said parent metadata item; and associating with said parent metadata item at least one image associated with said child metadata item (fig. 3; *when the flower images are dropped in the "New Zealand" metadata item, the system inherently designates the flower image items to be child items of "New Zealand"*).

Claims 37-38 are similar in scope to claims 35-36, and are therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 35, and is therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over MS Windows XP Explorer ("Explorer") in view of Applicant Admitted Prior Art ("AAPA", Specification).

Claim 30 is similar in scope to claims 6, and is therefore rejected under similar rationale. Explorer does not explicitly disclose the step of generating a query based on said selection of said plurality of iconic representations. AAPA teaches a similar method of organizing images,

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wherein searching and querying functions are employed (Specification, pages 1-4). It would have been obvious to an artisan at the time of the invention to combine the method of AAPA and Explorer in order to provide efficient searching and querying functionalities on previously organized images.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sy D. Luu/  
Primary Patent Examiner  
Art Unit 2174